BUSINESS SERVICES DIVISION

Unified School District

Leslie Barnes, Ed.D. - Assistant Superintendent/Chief Financial Officer 800 South Garey Avenue, P.O. Box 2900, Pomona, California 91769 Phone: (909) 397-4800, Ext. 23888 Fax: (909) 622-5895 Website Address: www.pusd.org

July 19, 2016

ADOPTED

BOARD OF SUPERVISORS COUNTY OF LOS ANGELES

August 9, 2016

EXECUTIVE OFFICER

Lori Glasgow **Executive Officer** Board of Supervisors 500 West Temple Street, Suite 383 Los Angeles, California 90012 Phone: (213) 974-1411

Re: Pomona Unified School District

General Obligation Bond Election (55%) - November 8, 2016

Dear Ms. Glasgow,

Enclosed is a Resolution adopted by the Board of Education of the Pomona Unified School District ordering a general obligation bond election for November 8, 2016. This election is being ordered under Proposition 39 and requires a 55% vote for passage.

In order to comply with Proposition 39 and related statutes, the Board has adopted a full ballot text to be printed in the ballot pamphlet and an abbreviated form of measure (Appendix A and B to the Resolution). We have provided a copy of the Resolution to the County Elections Department for purposes of preparing the bond measure for the ballot.

The Board of Education of the District has requested consolidation of this election with others occurring on the same day. We are submitting this resolution to you as Executive Officer of the Board of Supervisors for purposes of consolidation pursuant to Elections Code Section 10403.

Please do not hesitate to contact me with any questions on the attached.

Yours very truly,

Leslie Barnes, Ed.D.

Assistant Superintendent/Chief Financial Officer

LB:Ir

Enclosure

c: Charles F. Adams **Bond Counsel** Jones Hall

112012010

9. Special Action Items

Subject

9.02 Resolution No. 08(2016-17) Of The Board Of Education Of The Pomona Unified School District Ordering An Election To Authorize The Issuance Of School Bonds, Establishing Specifications Of The Election Order, And Requesting Consolidation With Other Elections Occurring On November 8, 2016

Meeting

Jul 13, 2016 - Regular Board Meeting

Access

Public

Type

Action

It is recommended that the Board of Education approve Resolution No. 08(2016-17), ordering an election to authorize the issuance of school bonds, establishing specifications of the election order, and requesting consolidation with other elections occurring on November 8, 2016.

See Attached.

File Attachments

Resolution 08(2016-17).docx (45 KB)

Motion & Voting

The item was moved by Mr. Guzman, seconded by Mr. Rothman, and approved with Mr. Wong voting NO.

Much) Many

Motion by Frank Guzman, second by Jason Rothman.

Final Resolution: Motion Carries

Yea: Jason Rothman, Roberta Perlman, Frank Guzman, Adrienne Konigar-Macklin

Nay: Andrew S Wong

RESOLUTION NO. 08(2016-17)

RESOLUTION OF THE BOARD OF EDUCATION OF THE POMONA UNIFIED SCHOOL DISTRICT ORDERING AN ELECTION TO AUTHORIZE THE ISSUANCE OF SCHOOL BONDS, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON NOVEMBER 8, 2016

WHEREAS, in the judgment of the Board of Education (the "Board") of the Pomona Unified School District (the "District"), it is advisable to call an election to submit to the electors of the District the question whether bonds of the District shall be issued and sold for the purpose of raising money for improvement of real property and the furnishing, building and equipping of school facilities of the District; and

WHEREAS, the Board is authorized to pursue the authorization and issuance of bonds by a 55% vote of the electorate on the question whether bonds of the District shall be issued and sold for specified purposes, under Article XIIIA Section 1 paragraph (b) of the California Constitution ("Article XIIIA") and under Education Code Section 15264 et seq. (the "Act"); and

WHEREAS, under Section 10403 *et seq.* of the California Elections Code, it is appropriate for the Board to request consolidation of the election with any and all other elections to be held on Tuesday, November 8, 2016, and to request the Los Angeles County Registrar of Voters to perform certain election services for the District;

NOW, THEREFORE, THE BOARD OF EDUCATION OF THE POMONA UNIFIED SCHOOL DISTRICT DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Call for Election. The Board hereby orders an election and submits to the electors of the District the question of whether general obligation bonds of the District shall be issued and sold in the maximum principal amount of \$300 million (the "Bonds") for the purpose of raising money to finance school facilities and equipment of the District, and paying costs incident thereto, as set forth more fully in the ballot measure approved under Section 3. This Resolution constitutes the order of the District to call such election and shall constitute the "specifications of the election order" pursuant to Education Code Section 5322.

Section 2. Election Date. The date of the election shall be November 8, 2016, and the election shall be held solely within the boundaries of the District.

Section 3. Purpose of Election; Ballot Measure. The purpose of the election shall be for the voters in the District to vote on a measure, a full copy of which is attached hereto as Exhibit A (the "Full Text of the Measure"), containing the question of whether the District shall issue the Bonds for the purposes stated therein, together with the accountability requirements of Article XIIIA and the requirements of Section 15272 of the Act. The Full Text of the Measure, which includes all of the text set forth in Exhibit A, shall be printed in the voter information pamphlet provided to voters, with such measure designation as is assigned to the measure. As required by Elections Code Section

13247 and Education Code Section 5322, the abbreviated form of the measure to appear on the ballot is attached hereto as Exhibit B and is marked as "Exhibit B – Ballot Measure – Abbreviated Form." The Superintendent is hereby authorized and directed to make any changes to the text of the measure (full text and/or abbreviated measure) as required to conform to any requirements of Article XIIIA, the Act or the Los Angeles County Registrar of Voters.

Section 4. Authority for Election. The authority for ordering the election is contained in Section 15264 *et. seq.* of the Act and Section 1 paragraph (b) subsection (3) of Article XIIIA. The authority for the specification of this election order is contained in Section 5322 of the Education Code.

Section 5. Proceeds for School Facilities Projects. The Board certifies that the proceeds from the sale of the Bonds will be used only for the purposes specified in Section 1(b)(3) of Article XIII A and as further specified in Exhibit A, and not for any other purpose, including teacher and administrator salaries and other school operating expenses. Further, as required by Article XIIIA, the Board hereby certifies that it has evaluated safety, class size and information technology needs in developing the list of school facilities projects set forth in Exhibit A.

Section 6. Covenants of the Board upon Approval of the Bonds by the Electorate; Accountability Measures. As required by Article XIIIA, Section 15278 of the Act, and Government Code Section 53410, in the event 55 percent of the voters voting in the District approve of the Bonds, the Board shall:

- (a) conduct an annual, independent performance audit to ensure that the funds have been expended only on the projects listed in Exhibit A;
- (b) conduct an annual, independent financial audit of the proceeds from the sale of the Bonds until all of those proceeds have been expended for the school facilities projects listed in Exhibit A;
- (c) establish and appoint members to an independent citizens' oversight committee in accordance with Sections 15278, 15280, and 15282 of the Act;
- (d) apply the Bond proceeds only to the specific purposes stated in the ballot measure;
- (e) cause creation of accounts into which bond proceeds shall be deposited; and
- (f) cause the preparation of an annual report pursuant to Government Code Sections 53410 and 53411.

Section 7. Delivery of this Resolution. The Clerk of the Board is hereby directed to send a copy of this Resolution to the Los Angeles County Superintendent of Schools, the Los Angeles County Registrar of Voters (the "County Registrar") and the Los Angeles County Clerk of the Board of Supervisors. The County Registrar is hereby requested to print the full text of the ballot measure in the ballot materials and to publish

the Notice of School Bond Election in a newspaper of general circulation within the District.

Section 8. State Matching Funds. The District hereby requests that the County Registrar include the following statement in the ballot pamphlet, pursuant to Section 15122.5 of the Education Code, which statement is set forth in Exhibit A hereto:

"Approval of Measure ____ does not guarantee that the proposed project or projects in the Pomona Unified School District that are the subject of bonds under Measure ____ will be funded beyond the local revenues generated by Measure ____. The District's proposal for the project or projects may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure."

Section 9. Consolidation of Election; Request to Provide Services. The County Registrar and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 8, 2016, within the District. Pursuant to Section 5303 of the Education Code and Section 10002 of the Elections Code, the Board of Supervisors of Los Angeles County is requested to permit the County Registrar to render all services specified by Section 10418 of the Elections Code relating to the election, for which services the District agrees to reimburse Los Angeles County in full upon presentation of a bill, such services to include the publication of a formal Notice of School Bond Election and the mailing of the sample ballot and tax rate statement (described in Section 9401 of the Elections Code).

Section 10. Ballot Arguments; Tax Rate Statement. Any and all members of this Board are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The President of the Board, the Superintendent, the Assistant Superintendent, Chief Financial Officer or any designee of the foregoing, are hereby authorized to execute any Tax Rate Statement or other document and to perform all acts necessary to place the bond measure on the ballot.

Section 11. Maturity Limit of Bonds. The Bonds may be issued in series by the District from time to time, and each series of Bonds shall mature not more than the legal limit at the time of such issuance thereof. The Bonds shall be issued under the Act, under the provisions of Section 53506 *et seq.* of the California Government Code, or under any other provision of law authorizing the issuance of general obligation bonds by school districts.

Section 12. Engagement of Professional Services. The Board hereby approves the engagement of the firm of Jones Hall, A Professional Law Corporation, to serve as bond counsel to the District, and the firm of Dale Scott & Company Inc. to act as financial advisor to the District, in connection with the election proceedings and the issuance of the Bonds. Fees payable to such firm shall be contingent upon the successful passage of the bond measure and the issuance and sale of the Bonds. The Assistant Superintendent, Chief Financial Officer is hereby authorized and directed to

execute the agreement between said firm and the District, in the form on file with the Assistant Superintendent, Chief Financial Officer.

Section 13. Effective Date. This resolution shall take effect on and after its adoption.

RESOLUTION NO. 08(2016-17)

I hereby certify that the foregoing Resolution was passed and adopted by the Board of Education of the Pomona Unified School District at a regular meeting thereof duly held on July 13, 2016, by more than two-thirds of all of its members.

Adopted by the following votes:

AYES:

Frank Guzman, Adrienne Konigar-Macklin, Roberta Perlman

Jason Rothman

NOES:

Andrew Wong

ABSENT: Ø

Clerk of the Board of Education of the Pomona Unified School District

APPENDIX A

BALLOT MEASURE FULL TEXT

To construct and refurbish classrooms throughout the district for engineering, math, technology and science; improve student access to modern technology; upgrade outdated plumbing, heating, ventilation, and air-conditioning systems; install campus security cameras and lighting; and repair, construct and modernize classrooms, shall Pomona Unified School District be authorized to issue \$300 million of bonds with interest rates at or below legal limits, independent citizen oversight, and all funds spent locally and not taken by the State and spent elsewhere?

Bonds—Yes

Bonds-No

BOND AUTHORIZATION

By approval of this measure by at least 55 percent of the registered voters voting on the measure, the District will be authorized to issue and sell bonds of up to \$300 million in aggregated principal at interest rates below the legal limit and to provide financing for the specific school facilities projects listed in the Bond Project List described below, subject to all the accountability requirements specified below.

The Bonds may be issued under the provisions of the California Education Code (starting at Section 15100), under the provisions of the California Government Code (starting at Section 53506), or under any other provision of law authorizing the issuance of general obligation bonds by school districts. The Bonds may be issued in series by the District from time to time, and each series of Bonds shall mature within the legal limitations set forth in the applicable law under which the Bonds are issued.

ACCOUNTABILITY REQUIREMENTS

The provisions in this section are specifically included in this measure in order that the voters and taxpayers in the District may be assured that their money will be spent wisely. Expenditures to address specific facilities needs of the District will be in compliance with the requirements of Article XIIIA, Section 1(b)(3), of the State Constitution and the Strict Accountability in Local School Construction Bonds Act of 2000 (codified at Education Code Sections 15264 and following.)

Evaluation of Needs. The Board of Education of the District (the "Board of Education") has identified detailed facilities needs of the District and has determined which projects to finance from a local bond at this time. The Board of Education has certified that it has evaluated safety, class size reduction, enrollment growth, and information technology needs in developing the Bond Project List shown below.

Independent Citizens' Oversight Committee. The Board of Education shall establish an Independent Citizens' Oversight Committee under Education Code Section 15278 and following to ensure that bond proceeds are expended only on the school facilities projects listed below. The committee will be established within 60 days of the date when the results of the election appear in the minutes of the Board of Education.

Performance Audits. The Board of Education shall conduct an annual, independent performance audit to ensure that the bond proceeds have been expended only on the school facilities projects listed below.

Financial Audits. The Board of Education shall conduct an annual, independent financial audit of the bond proceeds until all of those proceeds have been spent for the school facilities projects listed below.

Government Code Accountability Requirements. As required by Section 53410 of the Government Code, (1) the specific purpose of the bonds is set forth in this Full Text of the Measure, (2) the proceeds from the sale of the bonds will be used only for the purposes specified in this measure, and not for any other purpose, (3) the proceeds of the bonds, when and if issued, will be deposited into a building fund to be held by the Los Angeles County Treasurer, as required by the California Education Code, and (4) the Superintendent of the District shall cause an annual report to be filed with the Board of Education of the District not later than January 1 of each year, which report shall contain pertinent information regarding the amount of funds collected and expended, as well as the status of the projects listed in this measure, as required by Sections 53410 and 53411 of the Government Code.

NO TEACHER OR ADMINISTRATOR SALARIES

Proceeds from the sale of bonds authorized by this measure shall be used only for the purposes specified in Article XIII A, Section 1(b)(3), those being for the construction, reconstruction, rehabilitation, or replacement of school facilities, including the furnishing and equipping of school facilities, and not for any other purpose, including teacher and administrator salaries and other school operating expenses.

STATE MATCHING FUNDS

The following statement is included in this measure pursuant to Education Code Section 15122.5: Approval of this measure does not guarantee that the proposed project or projects that are the subject of bonds under this measure will be funded beyond the local revenues generated by this measure. The District's proposal for the project or projects described below may assume the receipt of matching state funds, which could be subject to appropriation by the Legislature or approval of a statewide bond measure.

BOND PROJECT LIST

Joint Use. The District may enter into agreements with the County of Los Angeles, or other public agencies or nonprofit organizations for joint use of school facilities financed with the proceeds of the bonds in accordance with Education Code Section 17077.42 (or any successor provision). The District may seek State grant funds for eligible joint-use projects as permitted by law, and this proposition hereby specifies and acknowledges that bond funds will or may be used to fund all or a portion of the local share for any eligible joint-use projects identified in the Bond Project List or as otherwise permitted by California State regulations, as the Board of Education shall determine.

Scope of Projects. Projects which are described below include all related and incidental costs, including their share of the costs of the election and bond issuance and costs of design, engineering, architect and other professional services, inspections, site preparation, utilities, and other planning, legal, accounting and similar costs, independent annual financial and performance audits, a customary contingency, and other costs incidental to and necessary for completion of the listed projects.

The scope and nature of any of the specific projects described below may be altered by the District as required by unforeseen conditions that may arise during the course of design and construction. In the event that a modernization or renovation project will result in higher costs than relocation and construction, this bond measure authorizes land acquisition, relocation and reconstruction, and all costs relating thereto, for said reasons or based on other considerations deemed in the best interest of the District by the Board of Education. In addition, this measure authorizes the acquisition of real property required to expand or provide school facility projects at the listed sites. In addition, authorized projects include paying and/or prepaying interim financing for said projects such as bond anticipation notes, and includes prepayment of lease payments and related certificates of participation to acquire title to school facilities previously financed.

Approval of the District's bond measure does not guarantee that all of the identified projects within this Bond Project List will be funded beyond what can be completed with local funds generated by the bond measure. The District plans to pursue funds from the State of California, if available, to complete certain of the identified facilities projects.

Bond proceeds may also be expended to acquire equipment in any classroom or other educational facility within the District. The District may alter the scope and nature of any of the specific projects that are described below as required by conditions that arise over time.

Whenever specific items are included in the following list, they are presented to provide examples and are not intended to limit the generality of the broader description of authorized projects. The order in which particular projects are listed is not intended to indicate priority for funding or completion.

RENOVATION, MODERNIZATION, REPAIR AND CONSTRUCTION OF SCHOOLS FACILITIES AND ACQUISITION OF TECHNOLOGY

Renovation, Modernization, Repair and Construction Of Schools Facilities

Bond proceeds will be expended to modernize, replace, renovate, construct, acquire, equip, rebuild and furnish the District's classrooms, restrooms, and other educational and joint-use facilities throughout the District including:

Elementary Schools

Alcott, Allison, Armstrong, Arroyo, Barfield, Cortez, Decker, Diamond Point, Golden Springs, Harrison, Kellogg, Kingsley, La Verne, Lexington, Lincoln, Lopez, Madison, Montvue, Pantera, Philadelphia, Ranch Hills, Roosevelt, San Antonio, San Jose, Vejar, Washington and Westmont

Middle Schools

Emerson, Lorbeer, Marshall and Simons

High Schools

Adult and Career Ed./ROP, Diamond Ranch, Freemont Academy, Ganesha, Garey, Palomares, Pomona, Park North/Pomona Alternative, Park West, School of Extended Educational Options, and Village Academy

Whenever specific items are included in the following list, they are presented to provide an example and are not intended to limit the generality of the broader description of authorized projects.

- Upgrade outdated heating, ventilation, and air-conditioning systems to improve energy efficiency
- Construct, expand and/or refurbish academies and classrooms, at new or existing school campuses, for specialized programs such as Technology and Science, Engineering and Math, Performing Arts and Languages, and Health and Human Services
- Repair and replace old and deteriorating plumbing and sewer systems
- Renovate and expand the schools' libraries
- Improve the District's technology infrastructure and make electrical upgrades to provide students throughout the District with increased access to computers and computer labs
- Renovate and expand the schools' science labs
- Make handicap accessibility (ADA) upgrades and improvements throughout the District, including restrooms, classrooms, and playgrounds
- Improve student safety by installing additional lighting, fencing, and security equipment throughout the District
- Renovate and repair outdated restrooms
- Upgrade old playgrounds and equipment at the elementary schools

- Restore the athletic fields at the middle schools and high schools
- Update and improve the exterior of aging schools and make landscaping and infrastructure improvements, including new paint, gates, marquees.
- Upgrade school facilities to offer specialized courses in academics or technical and vocational courses
- Construct new school facilities, including classrooms, furniture, and equipment.
- Reconfigure school campuses to create small learning centers within an existing school site
- Construct permanent school facilities, including additional classrooms, cafeteria/multi-purpose room, administration building, furniture and equipment Increase student safety and reduce traffic congestion by improving access to the schools' pick-up and drop-off areas and adding additional parking
- Replace old windows with new energy efficient windows

Acquisition of Technology

Bond proceeds shall also be used for the acquisition of technology. Specific educational technology projects shall include but not be limited to:

Devices and Technology Systems

- Computers, computer tablets and peripheral hardware
- Classroom technology tools
- Smart boards
- Document cameras
- Wireless microphones
- Printers, copiers and scanners
- Teacher-parent communication systems
- Data backup systems
- Classroom and district-wide security system hardware
- Technology equipment for use in science labs

Software

- Educational software
- Student performance assessment software
- Telecommunications software
- Web site development and maintenance
- Vocational education training software

- Disaster recovery hardware and software
- Classroom and district-wide security software
- Document retention software
- Software related to the overall instructional services, business services, and human relation services of the District
- Remote learning software

Infrastructure

- Capital technology projects including but not limited to the wiring of data centers, classrooms and school facilities
- Computer and technology wiring, servers, routers, switches and other information devices
- District-wide wireless access infrastructure.

Implementation

- Installation, upgrading and maintenance of various technology systems and equipment
- Costs of providing training related to the use and implementation of technology projects
- Future technology projects as set forth in the District's Board approved technology plan

APPENDIX B

BALLOT MEASURE ABBREVIATED FORM

To construct and refurbish classrooms throughout the district for engineering, math, technology and science; improve student access to modern technology; upgrade outdated plumbing, heating, ventilation, and air-conditioning systems; install campus security cameras and lighting; and repair, construct and modernize classrooms, shall Pomona Unified School District be authorized to issue \$300 million of bonds with interest rates at or below legal limits, independent citizen oversight, and all funds spent locally and not taken by the State and spent elsewhere?

bonus—res	DonusNo		



TO: Ms. Annette Medina

Agenda Prep

Board of Supervisors

500 West Temple Street, Suite 383

Los Angeles, CA 90012 Phone: (213) 974-1411

FROM: Nicole Roberts, Dale Scott & Company

DATE: July 28, 2016

RE: Pomona Unified School District

Amended Tax Rate Statement for November 8, 2016 Bond Election

Dear Ms. Medina,

Please find the amended tax rate statement to replace the version previously sent to the County for filing as part of the Resolution No. 08(2016-17) ordering an election to authorize the issuance of school bonds for the Pomona Unified School District.

Changes to the Tax Rate Statement include:

- 1. Changing 2016-17 to 2017-18 as the first fiscal year after the sale of the first series of bonds in sections 1 and 3 of the Tax Rate Statement.
- 2. Changing the tax rate per \$100 from \$0.60 to \$0.060 to reflect the correct conversion from dollars per one hundred thousand to dollars per one hundred.

Should you have any questions regarding this matter, please do not hesitate to contact me at 415-956-1030.

Best Regards,

Nicole Roberts
Dale Scott & Company

Enclosure

CC: Dr. Debra Duardo, Los Angeles County Office of Education

Mr. Scott Price, Los Angeles County Office of Education

Ms. Valerie Pagcanlungan, Los Angeles County Registrar of Voters

TAX RATE STATEMENT POMONA UNIFIED SCHOOL DISTRICT

An election will be held in the Pomona Unified School District (the "District") on November 8, 2016, to authorize the sale of up to \$300,000,000 in bonds of the District to finance school facilities. Specifically, bond proceeds shall be utilized for the purposes of refurbishing classrooms throughout the district for engineering, math, technology and science; improving student access to modern technology; upgrading outdated plumbing, heating, ventilation, and air-conditioning systems; installing campus security cameras and lighting; and repairing, constructing and modernizing classrooms.

If the bonds are authorized and sold, debt service thereon will be payable from the proceeds of tax levies made upon the taxable property in the District. The following information is provided in compliance with Sections 9400-9404 of the Elections Code of the State of California.

- 1. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the first series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is 0.060 per 0.00 per 0.00 of assessed valuation in fiscal year 0.07.
- 2. The best estimate of the tax which would be required to be levied to fund this bond issue during the first fiscal year after the sale of the last series of bonds, based on estimated assessed valuations available at the time of filing of this statement, is \$0.060 per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2028 2029.
- 3. The best estimate of the highest tax rate which would be required to be levied to fund this bond issue, based on estimated assessed valuations available at the time of filing of this statement, is \$0.060 per \$100 (\$60.00 per \$100,000) of assessed valuation in fiscal year 2017 2018.
- 4. The best estimate of the total debt service, including principal and interest, that would be required to be repaid if all the bonds are issued and sold is \$494,779,001.

Voters should note that the estimated tax rates are based on the ASSESSED VALUE of taxable property on the County's official tax rolls, <u>not</u> on the property's market value. Property owners should consult their own property tax bills to determine their property's assessed value and any applicable tax exemptions.

Attention of all voters is directed to the fact that the foregoing information is based upon the District's projections and estimates only, which are not binding upon the District. The actual tax rates and the years in which they will apply may vary from those presently estimated, due to variations from these estimates in the timing of bond sales, the amount of bonds sold and market interest rates at the time of each sale, and actual assessed valuations over the term of repayment of the bonds.

The dates of sale and the amount of bonds sold at any given time will be determined by the District based on the need for construction funds and other factors, including the legal limitations on bonds approved by a 55% vote. The actual interest rates at which the bonds will be sold will depend on the bond market at the time of each sale. Actual future assessed valuation will depend upon the amount and value of taxable property within the District as determined by the County Assessor in the annual assessment and the equalization process.

Dated: July 2016

Leslie Barnes, Assistant Superintendent, CFO

Pomona Unified School District